

In the
United States Court of Appeals
For the Ninth Circuit

NAGATAKA MURAYAMA and
OFUJI MURAYAMA,

Appellants,

vs.

TIME INC., a corporation,

Appellee.

No. 21247

PETITION FOR REHEARING

MELVIN M. BELLI
ROBERT L. LIEFF
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Attorneys for Appellants

FILED

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TO THE HONORABLE RICHARD H. CHAMBERS, Circuit Judge,
M. OLIVER KOELSCH, Circuit Judge and
BEN. C. DUNIWAY, Circuit Judge.

Appellants, NAGATAKA MURAYAMA and OFUJI MURAYAMA, hereby
petition for a rehearing to reconsider the judgment entered in
this action on October 11, 1966, on the following grounds.

The question involved herein is one of considerable public
importance and it should be considered by the court en banc.
The question relates to what constitutes excusable neglect on
the part of an attorney in timely docketing an appeal under
rule 73 (g) of the Federal Rules of Civil Procedure.

Undersigned counsel certifies that this petition is not interposed for delay and that in his judgment it is well founded.

Dated: November 8, 1966.

BELLI, ASHE, GERRY & ELLISON

By: Robert L. Luff
Attorneys for Appellants
Nagataka Murayama and
Ofuji Murayama

AFFIDAVIT OF SERVICE

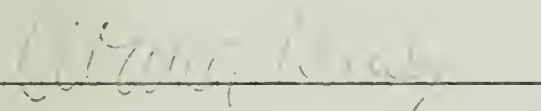
STATE OF CALIFORNIA)
) ss.
CITY AND COUNTY OF SAN FRANCISCO)

ROBERT L. LIEFF, having first been duly sworn,
deposes and says:

On November 8, he served the within Petition for Rehearing upon appellees by mailing true copies thereof to their attorneys, JOHN B. BATES, NOBLE K. GREGORY, JAMES F. KIRKHAM and PILLSBURY, MADISON & SUTRO, Standard Oil Building, San Francisco, California.


ROBERT L. LIEFF

Subscribed and sworn to
before me this 8th day
of November, 1966.



Monica Lang

Notary Public
State of California
My commission expires 6-24-70

